

**ENTERED**

December 19, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TAYLOR DOHERTY, ALESSANDRA  
JIMENEZ, and KAYLA STEWART,**  
Individually and on behalf of all others  
Similarly situated,

Plaintiffs,

v.

**FRANCESCA'S ACQUISITION, LLC,**

Defendant.

**Case No. 4:23-cv-03881**

**Judge Sim Lake**

**WENDY NOLASCO,** individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

**FRANCESCA'S ACQUISITION, LLC,**

Defendant.

**Case No. 4:23-cv-04049**

**Judge Keith P. Ellison**

**ORDER GRANTING**  
**AGREED MOTION TO CONSOLIDATE RELATED CASES**

Before the Court is an Agreed Motion for Consolidation in the two related cases cited above. The Agreed Motion is GRANTED, and these two (2) cases are consolidated into the first filed case 4:23-cv-03881. These two (2) cases filed in this District arising out of an alleged data breach that affected Francesca's Acquisition LLC's systems (the "Related Cases") contain

substantial factual and legal overlap. These cases are:

1. *Taylor Doherty, Alessandra Jimenez, and Kayla Stewart, et al., v. Francesca's Acquisition LLC*, No. 4:23-cv-03881, United States District Court for the Southern District of Texas, filed on October 12, 2023, by Siri & Glimstad LLP and Kendall Law Group, PLLC, pending before Judge Sim Lake.

2. *Wendy Nolasco, et al., v. Francesca's Acquisition LLC*, No. 4:23-cv-04049, United States District Court for the Southern District of Texas, filed on October 24, 2023, by Migliaccio & Rathod LLP and Josephson Dunlap, LLP, pending before Judge Keith Ellison.

Counsel for all parties in the Related Cases agree that consolidation of these matters is appropriate under Federal Rule of Civil Procedure 42(a) and Local Rule 7.6. Counsel for all parties in the Related Cases further agree that a single amended consolidated complaint should be filed. Both cases have been scheduled for an initial pretrial appearance and scheduling conference, with the first-filed case scheduled for 2:00 pm on Friday, January 26, 2024. Continuing to litigate the Related Cases independently with varying response deadlines and eventual differences in discovery deadlines prior to consolidation would lead to inefficiency, duplication of efforts, and an unnecessary expenditure of resources by all counsel.

The Court hereby **ORDERS** that:

The Related Cases pending in this District should be consolidated for all purposes, including pretrial proceedings, trial and appeal, pursuant to Federal Rules of Civil Procedure 42(a) (the "Consolidated Action").

Within thirty (30) days of this Order, Plaintiffs shall file an Amended Consolidated Class Action Complaint. Defendant is hereby relieved of any obligation to file a responsive pleading in the individual Related Actions.

All papers filed in the Consolidated Action must be filed under Case No. 4:23-cv-03881, the number assigned to the first-filed case, and must bear the following caption:

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**IN RE FRANCESCA'S ACQUISITION  
LLC DATA SECURITY BREACH  
LITIGATION**

Lead Case No. 4:23-cv-03881

Consolidated Case:

4:23-cv-04049

The case filed for the Consolidated Action will be maintained under the Master File indicated in the case number above. ~~The clerk is directed to administratively close the related matter of *Wendy Nolasco, et al., v. Francesca's Acquisition LLC*, No. 4:23-cv-04049, United States District Court for the Southern District of Texas, filed on October 24, 2023, by Migliaccio & Rathod LLP and Josephson Dunlap, LLP pending before Judge Ellison.~~

**IT IS FURTHER ORDERED THAT:**

Any actions subsequently filed in, transferred to, or removed to this Court that arises out of similar facts as the Related Cases may be consolidated by the Court after notice of such filing by Plaintiffs' counsel or Defendant's counsel. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they must do so within 10 days of such notice.

The parties are Ordered to comply with the conferencing and scheduling obligations of the Court's October 16, 2023 Order (Doc. 3).

**SO ORDERED.**

Signed this 19<sup>th</sup> day of December, 20  .

  
UNITED STATES DISTRICT JUDGE